

HOUSE No. 887

The Commonwealth of Massachusetts

PRESENTED BY:

Brian S. Dempsey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act permitting collection agencies to accept assignment of debts.

PETITION OF:

NAME:

Brian S. Dempsey

DISTRICT/ADDRESS:

3rd Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 354 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PERMITTING COLLECTION AGENCIES TO ACCEPT ASSIGNMENT OF DEBTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 93 of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by inserting after section 24D the following section:—
3 The commissioner of banks shall regulate that a collection agency may accept assignments of
4 any account, bill or indebtedness in its own name as the real party in interest and may bring suit
5 thereon in its own name, provided (a) such assignment is in writing and the agreement with the
6 debtor did not prohibit such assignment, (b) no suit authorized by this section may be instituted
7 on behalf of a collection agency in any court, unless the collection agency appears by a duly
8 authorized and licensed attorney at law, and (c) the collection agency gives the debtor written
9 notice of such assignment within thirty days after such assignment. In the case of an assignment
10 the collection agency shall not employ a deceptive or unfair collection practice as set forth in the
11 Code of Massachusetts Regulations. The collection agency shall not be entitled to collect any
12 interest, charge or expense, including legal fees, in connection with the collection of the principal
13 obligation unless it is expressly authorized in the agreement creating the debt or is permitted by
14 law.